

REMARKS

The present Amendment is in response to the Examiner's Final Office Action mailed August 5, 2008. Claims 7 and 41 are cancelled, claims 1, 4-6, 9, 10, 12-16, 24, 26, 28, 30-32, 35, 36, 40, 43, 47, 49, 52, 53, 55, 57, 70-72, 75-80, and 82-85 are amended, and new claims 86 and 87 are added. Claims 1-6, 9, 10, 12-16, 24, 26-36, 38-40, 42-63, and 65-86 are now pending in view of the above amendments (claim 8 having been omitted in the original claim listing, a first occurrence of claims 26 and 27 having been cancelled by previous amendments to correct a typographical mis-numbering error, and claims 11, 17-23, 25, 37, and 64 also having been cancelled by previous amendments).

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

I. Claim Rejections

The Examiner rejects claims 1, 4-7, 9-10, and 12 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694).

The Examiner rejects claims 2 and 3 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Nelson et al.* (U.S. Patent No. 6,928,108).

The Examiner rejects claim 13 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925).

The Examiner rejects claims 14-16 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694).

The Examiner rejects claims 24 and 27-35 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Lee et al.* (U.S. Patent No. 6,377,643).

The Examiner rejects claim 26 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Lee et al.* (U.S. Patent No. 6,377,643) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925).

The Examiner rejects claims 36, 38-43, 45, and 48-54 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694).

The Examiner rejects claim 44 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Dwyer* (U.S. Patent No. 6,820,251).

The Examiner rejects claims 46-47 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Bucher et al.* (U.S. Pub. No. 2001/0016925) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Rivoir* (U.S. Patent No. 6,105,087).

The Examiner rejects claims 53-63 and 65-71 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Rivoir* (U.S. Patent No. 6,105,087).

The Examiner rejects claims 72 and 75-80 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694).

The Examiner rejects claims 73-74 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Nelson* (U.S. Patent No. 6,236,694).

The Examiner rejects claims 81 and 84-85 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Noy* (U.S. Patent No. 7,114,111).

The Examiner rejects claim 82 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Lee* (U.S. Patent No. 6,377,643).

The Examiner rejects claims 81 and 84-85 under 35 U.S.C. § 103 as being unpatentable over *Jibbe* (U.S. Patent No. 6,687,856) in view of *Mitchell et al.* (U.S. Pub. No. 2003/0174694) in further view of *Blatter et al.* (U.S. Patent No. 6,236,694) in further view of *Bucher* (U.S. Pub. No. 2001/0016925).

Applicants respectfully traverse the rejection.

Claim 1 has been amended to recite: “a data input port configured to receive the activity from the transmission medium, wherein the data input port includes signal conversion logic configured to convert a signal type used by the transmission medium to a signal type used by the analyzer and wherein the signal conversion logic is further configured to index at least a portion of the transmission medium activity.” Support for the amendment to claim 1 may be found at least in paragraph [0029] of the specification. Claims 24 and 36, although of different scope, have been amended to recite similar language. In contrast, the Examiner has not shown that the references teach or suggest the aforementioned limitations.

Claim 55 has been amended to recite: “a data input port configured to receive a plurality of data channels from a transmission medium, wherein the data input port includes adaptor logic configured to group select ones of the plurality of data channels in dependence on a protocol of the received data.” Support for the amendment to claim 55 may be found at least in paragraph [0029] of the specification. Claim 72, although of different scope, has been amended to recite similar language. As with claims 1, 24, and 36 discussed above, the Examiner has not shown that the references teach or suggest the aforementioned limitations.

Therefore, in light of the foregoing amendments and remarks, Applicants respectfully submit that no *prima facie* case of obviousness exists for claims 1, 24, 36, 55, and 72, as amended. Accordingly, Applicants respectfully submit that the rejection of claims 1, 24, 36, 55,

and 72, as well as corresponding dependent claims 2-6, 9, 10, 12-16, 26-35, 38-40, 42-54, 56-63, 65-71, and 73-86, should be withdrawn.

II. New Claims 86 and 87

By this amendment, Applicants have added new claims 86 and 87, which depend from claims 1 and 55, respectively. Support for claims 86 and 87 can be found, for example, in the application at paragraphs [0029]. Claims 86 and 87 are believed to be in allowable condition at least by virtue of their dependence from allowable claims 1 and 55, respectively.

III. Charge Authorization

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 5th day of February, 2009.

Respectfully submitted,

/Ronald J. Ward/Reg. No. 54,870

RONALD J. WARD

Registration No. 54,870

ERIC L. MASCHOFF

Registration No. 36,596

Attorneys for Applicant

Customer No. 022913

Telephone: (801) 533-9800